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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,941	01/16/2004	David M. Vincent	65399-1	6217
22504 7590 08/07/2007 DAVIS WRIGHT TREMAINE, LLP 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045			EXAMINER NGUYEN, CUONG H	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 08/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/758,941

Applicant(s)

VINCENT ET AL.

Examiner

CUONG H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### DETAILED ACTION

1. This Office Action is the answer to the communication submitted on 5/02/2007.
2. Claims 1-21 are pending in this application; wherein claims 1-10 have been canceled on 5/02/2007.

### *Response*

3. The 35 USC 112, 2<sup>nd</sup> para. rejections are withdrawn (see previous rejections sent on Jan. 18, 2007). This is a non-final Office Action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. **Claims 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travelpod.com in view of Alumbaugh (US Pat. 6,278,938).**

A: As to independent claims 11 and 18: As the applicants admitted in a first press release that MyTripJournal.com is an easy and economical tool for travelers to **build their own** personal trip **website**. It is a highly efficient way to keep in touch with family and friends, sharing the travel experience in a personal and interactive way. And, with the proliferation of cybercafes and other internet access points worldwide, communication via the internet is a viable option almost anywhere.

Built as a template, a MyTripJournal personal travel website allows the traveller to post text and photos as well as plot their journey (see Alumbaugh - US Pat. 6,278,938)

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worldwide on the over 150 customizable and interactive maps. Once posted, current, as well as past entries are immediately available in real time.

Travelpod.com was began to used in 1997 (see <http://www.travelpod.com> - page 3) having what applicants claim: a server hosting a web page for modification and display of a trip journal with maps (see <http://www.TravelPod.com> page 1.

## Travel Blogs? Travelogues? Travel Diaries? Travel Journals?

### What does it all mean?

You may have heard a lot of new and confusing terms describing personal travel web sites such as Travel Diaries, Travel Journals, Travelogues and Travel Blogs, so what the heck are they?

Well, all of these terms are used to describe the same thing.

A travelogue ( as they are referred to on TravelPod ) was a term we began to use in 1997 to describe personal travel websites which our members have been enjoying ever since we opened our doors.

These days, as "blog" has become more of a main stream term, these personal travel websites have been slowly adopting the term Travel Blog. It's all very confusing but the bottom line is that it's all the same.

A travelogue is essentially a web site where travelers post their travel experiences, travel maps, photos, and thoughts. Think of it as a traveler's very own piece of Cyber Space where their trips can be shared with their family, friends and fellow travelers.

It is the modern day's equivalent to the traditional paper diary in which travelers have chronicled their experiences for centuries.

It's fairly complicated for a traveler to setup their own web site with all of this functionality, so TravelPod put together the first Internet web service back in 1997 to allow its members to easily create and update personal travel websites ( or travelogues ) for free.

Travelogues can also be a great way to stay in touch while traveling. Friends and family can be emailed notifications of updates to a travelogue which can save travelers a lot of time which is typically spent bulk emailing loved ones back home.

Call it what you like, Travelogues, Travel Blogs, Travel Journals or Travel Diaries are here to stay. Creating your own and updating it with your travels has become an exciting way to share and chronicle travel adventures.

Travel Blogs are a travelers best friend! Make sure to create one on your next trip!

Travelpod.com teaches a "physical" system for creation and display of trip journals, comprising:

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(a) a server in communication with a database of raster based maps (see <http://www.TravelPod.com> page 1; see also Alumbaugh); (b) a coordinate system relating each of said maps to a central coordinate system, in other words, a first, and a second locations; (c) a user interface for accessible by a remote computer for creation and amendments of said trip journal and for selection and modification of a map for inclusion in said trip journal to display a location; and (d) a user interface by said server to be accessible by a second remote computer for viewing/sharing chronicle travel adventure (see <http://www.TravelPod.com> page 3).

TravelPod.com and Alumbaugh do not explicitly disclose that: “(d) wherein the relative position of said first and second locations on said first map remains constant relative to said display on said second map”.

However, the examiner’s position is keeping a constant distance/duration for updating travel experiences is a well-known habit and a familiar practice to report in a travel diary.

It would have been obvious to one of ordinary skilled in the art at the time of invention to modify Travelpod.com with Alumbaugh’s teachings to maintain a relative position of a first and second locations on a first map remains constant relative to a display on a second map for an advantage of keeping a sequence order in reporting of a travel journey.

B. As per claim 12: The rationales and references for a rejection of claim 11 are incorporated.

Travelpod.com suggests of inputting an entry at a location at that website to share a trip experience (see <http://www.TravelPod.com> page 3).

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C. As per claim 13: The rationales and references for a rejection of claim 11 are incorporated.

Travelpod.com teaches about a trip journal is accessible to visitors (it suggests of “sharing” see <http://www.TravelPod.com> page 3).

D. As per claims 14-15, and 19-20: Travelpod.com already suggests about entries/inputs/postings photos (those “inputs” may merely comprise links – including texts & video/images - see <http://www.TravelPod.com> page 3).

E. As per claim 16: The examiner respectfully submits that after editing/changing/modification of a trip journal/a travel diary, a traveler may send a message to said visitor with above “sharing” experience (e.g., a text message through an email, this has been a very well-known way of “communications” - note that the term “may” shows a possible action – therefore, this is NOT a “positive” limitation)..

F. As per claim 17: The examiner respectfully submits that a trip journal is password protected because it may contain a user’s private information – only a certain people having a correct password to be accessible; this is a very well-known practice of sharing information.

G. As per claim 21: The rationales and references for a rejection of claim 20 are incorporated.

The examiner respectfully submits that “means for tracking referrals” can be interpreted as of tracking a “package” where about via UPS website or FedEx website) such that when a traveler is referred/linked to said system, said system records the referral source associated with said traveler when said traveler registers with said system (another clear example is an authorized person can see a withdrawal from an ATM by an

ATM card; wherein an exact ATM machine location where that withdrawal taken place is recorded). In another word, “a link” can be automatically being performed by highlighted words in a website because that link is related to a currently reviewed subject matter.

It would have been obvious to one of ordinary skilled in the art at the time of invention to modify Travepod.com with Alumbaugh’s teachings to link a database of raster based maps to a trip journal for automatically showing an exact place where an input is taken place instead of manually inputting that map for an advantage of giving clear related information to users – a clear advantage is saving time and effort for a user.

### ***Conclusion***

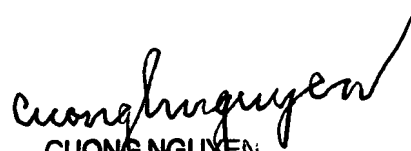
5. Claims 11-21 are not patentable.
6. Note: A raster map, or a digital image of a map merely consists of a data file representing a generally rectangular grid of pixels, viewable via a display medium – this limitation is not inventive.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm Mon.-Fri. (except Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG NGUYEN  
PRIMARY EXAMINER